

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
**MAR 25 2015**  
SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

1 MICHAEL C. ORMSBY  
2 United States Attorney  
3 Tyler Tornabene  
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5 Corey Sewell  
6 Law Clerk  
7 Post Office Box 1494  
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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF WASHINGTON

12 UNITED STATES OF AMERICA,

Case No.: 2:14-PO-326-JTR

13 Plaintiff,

14 vs.

UNSUPERVISED PRE-  
TRIAL DIVERSION  
AGREEMENT

15 JACOB D. BAIRD,

16 Defendant.

17  
18 Plaintiff, United States of America, by and through MICHAEL C.  
19 ORMSBY, United States Attorney for the Eastern District of Washington, Tyler  
20 Tornabene, Assistant United States Attorney, and Corey Sewell, Law Clerk, and  
21 Defendant, JACOB D. BAIRD, and the Defendant's counsel, Steve Roberts, of the  
22 Federal Defenders of Eastern Washington and Idaho, agree to the following  
23 Unsupervised Pre-Trial Diversion Agreement ("Agreement").

24 The Defendant is before the Court currently charged by mandatory Notice of  
25 Violation # 3315266 (ECF. 1, 2:14-PO-326-JTR) for Failure To Comply With a  
26  
27  
28

1 Lawful Order (Failure To Provide Correct Information), in violation of 36 C.F.R. §  
2 327.24(b).

3 The United States and the Defendant agree that this case shall be continued  
4 until March 25, 2016, and thereafter dismissed without prejudice, upon motion by  
5 the Defendant, provided the Defendant abides by all the conditions and  
6 requirements herein outlined. If the Defendant completes all of the Conditions of  
7 Unsupervised Pre-Trial Diversion, as outlined below, and does not violate this  
8 Agreement during its term, the United States will not oppose the Defendant's  
9 motion for dismissal with prejudice so long as that motion is not made before  
10 September 25, 2016.

11 FACTUAL BACKGROUND

12 The United States and the Defendant stipulate and agree that the following  
13 facts are truthful and accurate and form a sufficient basis for a finding of guilt for  
14 Failing to Comply with a Lawful Order, in violation of 36 C.F.R. § 327.24(b); that  
15 the United States could prove these facts beyond a reasonable doubt at trial; and  
16 that these facts can be used as a basis for making findings and entry of judgment  
17 per the terms of this Agreement.

18 On August 30, 2014, in the Eastern District of Washington, the Defendant  
19 was identified by Natural Resource Specialist, Chris Lorz, while exercising his  
20 duties as a Park Ranger at the Illia Dunes Recreation Area. Ranger Carey Tolleson  
21 made contact with the Defendant for being in possession of a glass alcohol  
22 container violating a posted restriction. The Defendant was unable to provide valid  
23 photo identification. Subsequently, when asked by the rangers, the Defendant  
24 provided a false date of birth. Ranger Lorz informed the Defendant that he is  
25 required to provide accurate information upon request and that providing the  
26 wrong date of birth would be failing to comply with a lawful order. Multiple  
27



1 attempts were made by Garfield County Sheriff Deputy Steve Krouse to confirm  
2 the Defendant's identity through dispatch, but each attempt was unsuccessful until  
3 the Defendant later stated that his date of birth was actually 03-30-1994, not 03-30-  
4 1993 as he initially maintained. As a result, the Defendant was cited for Failure to  
5 Comply with a Lawful Order pursuant to 36 C.F.R. 327.24(b).

6  
7 ACCEPTANCE OF PRE-TRIAL DIVERSION AND  
8 STIPULATION OF FACTS

9 The Defendant hereby:

10 1. Accepts and agrees to pursue and complete the terms and conditions of  
11 this Unsupervised Pre-Trial Diversion Agreement ("Agreement");

12 2. Understands that if he fails or neglects to comply with any part of the  
13 terms and conditions of the Agreement, then the Court will hold a hearing to  
14 determine whether judgment should be entered as charged for Failure to Comply  
15 with a Lawful Order, in violation of 36 C.F.R. § 327.24(b). After the hearing, the  
16 Court will either order that Defendant continue with the conditions of his  
17 unsupervised pre-trial diversion, order additional conditions, or be removed from  
18 pre-trial diversion and enter judgment on the charge;

19 3. Agrees that if the Court revokes the order granting this Unsupervised Pre-  
20 Trial Diversion, the facts from the Factual Background above and any additional  
21 material, submitted by the United States, including but not limited to the  
22 Stipulation and Agreement for Continuance from the District Court of Washington  
23 for Garfield County, case number 4Z0749416, filed with the Garfield County  
24 District Court on December 04, 2014, authored by Prosecuting Attorney Matt L.  
25 Newberg; and the Garfield County Sherriff's Primary Officer Report, Case  
26 Number 14-01756, authored by Officer Steven M. Krouse, and any attachments  
27  
28

1 thereto, will be admissible as evidence to be used to support a finding of guilt  
2 when the Court enters judgment. Defendant understands that by agreeing to this  
3 process, he is giving up certain Constitutional rights. He specifically  
4 acknowledges that he is giving up the right to a trial, the right to testify or not to  
5 testify, the right to question witnesses, the right to call witnesses on his own behalf,  
6 and the right to present evidence or a defense;

7 4. Understands that he is entitled to a trial that would determine whether the  
8 United States could prove him guilty of the instant charge beyond a reasonable  
9 doubt. He does hereby, voluntarily and with knowledge of the above rights, waive  
10 his right to a trial of this case by the Court pursuant to paragraph three (3) above;

11 5. Agrees to report any potential violation of the conditions listed below to  
12 the United States Attorney's Office for the Eastern District of Washington within  
13 one (1) business day of the potential violation. This communication should be  
14 done by telephone to (509) 353-2767.  
15

16 CONDITIONS OF UNSUPERVISED PRE-TRIAL DIVERSION

17 The Defendant must abide by the following conditions and requirements:  
18

19  
20 1. The Defendant shall pay in full the total collateral amount associated with  
21 Notice of Violation 3315239 (ECF 1, 2:14-PO-327-JTR), charging the Defendant  
22 with one count of Failure to Observe Posted Restrictions, in violation of 36 C.F.R.  
23 § 327.12A and issued on August 29, 2014. The total collateral amount is \$100,  
24 which the Defendant agrees to pay before April 15, 2015.  
25  
26  
27  
28



1 2. Payment for the Notice of Violation may be mailed to:

2 Central Violations Bureau

3 P.O. Box 71363

4 Philadelphia, PA 19176-1363

5 or paid online at:

6 [www.cvb.uscourts.gov](http://www.cvb.uscourts.gov)

7  
8 3. The Defendant shall perform 25 hours of community service before  
9 August 1, 2015.

10 4. The community service hours performed by the Defendant must be with a  
11 501(c)(3) organization with which neither the Defendant nor his immediately  
12 family has any past or current affiliation.

13 5. The Defendant shall provide the U.S. Attorney's Office for the Eastern  
14 District of Washington with written documentation as proof of the completed  
15 community service by August 7, 2015.

16 6. Written documentation must include the name, signature, and contact  
17 information of the supervisor.

18 7. Written documentation must be sent by facsimile to (509) 835-6397, or  
19 mailed to:

20 United States Attorney's Office for the Eastern District of WA

21 c/o Corey Sewell

22 Post Office Box 1494

23 Spokane, WA 99210-1494

24  
25 The Defendant must also speak with a law clerk for the Spokane Petty  
26 Offense Docket by calling (509) 353-2767 to confirm that proof of completed  
27 community service was received by the United States Attorney's Office.

1 8. The Defendant shall comply with all terms of the agreement in the  
2 Stipulation and Agreement for Continuance for case No. 4Z0749416, in the  
3 District Court of Garfield County, Washington, to which the Defendant signed as a  
4 resolution to other criminal charges in that court, but which arose out of the same  
5 incident at Illia Dunes Recreation Area in the Eastern District of Washington.

6 9. The Defendant shall not violate nor be charged with or convicted of any  
7 criminal violations under federal, state, or local law before this cause is dismissed  
8 without prejudice, or judgment is entered, per the terms of this Agreement. Civil  
9 and Non-Criminal Traffic Infraction violations will not constitute a violation of  
10 this Agreement.

11 If the Defendant complies with all the obligations mentioned above, no  
12 prosecution for the conduct set out in the Factual Background section of this  
13 Agreement will be instituted in the Eastern District of Washington and the United  
14 States agrees to dismiss these charges without prejudice.

15 Should there be a violation of the terms of this Agreement, however, and the  
16 Agreement is revoked, a conviction for the charged offense, a Class B  
17 Misdemeanor, may be imposed pursuant to the procedures outlined herein. If a  
18 conviction occurs, the Defendant understands he will be subject to a sentencing  
19 which may include up to six months imprisonment and/or a \$5,000 fine.  
20

21  
22 ADVICE AND ACKNOWLEDGMENT OF DEFENDANT'S RIGHTS

23 I, JACOB D. BAIRD, understand and acknowledge I have the following  
24 rights:

25 1. The right to a speedy and public trial in the place where the crime is  
26 alleged to have been committed;

27 2. The right at trial to question witnesses who testify on my behalf;  
28

1 3. The right at trial to call witnesses to testify for me;

2 4. The right to present evidence and a defense;

3 5. The right to appeal a judgment of guilt.

4 By entering into this Agreement I understand that I am knowingly,  
5 intelligently, and voluntarily, waiving these rights. I further understand that by  
6 continuing these charges until March 25, 2016, I am agreeing to follow the  
7 procedures outlined in this Agreement.

8 I, JACOB D. BAIRD, hereby state that I have read this document in its  
9 entirety. I understand the conditions of my unsupervised pre-trial diversion and  
10 agree that I will comply with those conditions.

11   
12 \_\_\_\_\_

13 JACOB D. BAIRD  
14 Defendant

3/25/15

Date

15   
16 \_\_\_\_\_

17 J. Stephen Roberts Jr.  
18 Attorney for the Defendant

3/25/15

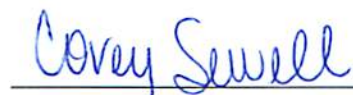
Date

19   
20 \_\_\_\_\_

21 Tyler Tornabene  
22 Assistant United States Attorney

3-25-15

Date

23   
24 \_\_\_\_\_

25 Corey Sewell  
26 Law Clerk

3/25/15

Date



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**MAR 25 2015**  
SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

JACOB D. BAIRD,  
Defendant.

Case No.: 2:14-PO-326-JTR

ORDER GRANTING  
UNSUPERVISED PRE-  
TRIAL DIVERSION  
AGREEMENT

Upon consideration of the parties' Unsupervised Pre-Trial Diversion Agreement, and being fully advised of the facts and circumstances of this case, the Court finds the Defendant has agreed to comply with the terms and conditions of the Unsupervised Pre-Trial Diversion Agreement; that the Court finds the Defendant has acknowledged the admissibility of the stipulated facts and law enforcement reports in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting pre-trial diversion; that the Defendant's statements were made knowingly and voluntarily; and that the Defendant has knowingly and intelligently waived his Constitutional and statutory rights to a speedy trial, to question those witnesses against him, to call witnesses on his behalf, and to present evidence or a defense at trial.

NOW THEREFORE, IT IS HEREBY ORDERED:

1. The Defendant is accepted for unsupervised pre-trial diversion;
2. The Defendant shall comply with all the terms and conditions as set forth in the Unsupervised Pre-Trial Diversion Agreement;



1 3. If the Court finds that the Defendant violated any term of the  
2 Unsupervised Pre-Trial Diversion Agreement, the Court shall make findings  
3 pursuant to the procedures outlined in the Agreement.

4  
5  
6  
7 HON. John T. Rodgers  
8 United States Magistrate Judge

3-25-15  
Date